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### No.36 An Order Declaring A State Of Emergency For The Purpose Of Ensuring The Uninterrupted Delivery Of Feed And Chickens To The Poultry Industry

Bill Haslam

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STATE OF TENNESSEE  
**EXECUTIVE ORDER**  
BY THE GOVERNOR

No. 36

**AN ORDER DECLARING A STATE OF EMERGENCY FOR THE PURPOSE OF ENSURING THE UNINTERRUPTED DELIVERY OF FEED AND CHICKENS TO THE POULTRY INDUSTRY**

**WHEREAS**, the poultry industry is important to the State and delivery delays of feed and chickens could cause the widespread death of poultry and, as a result, could adversely affect the health, welfare, and economy of the state; and

**WHEREAS**, the State of Tennessee, and surrounding states, have experienced consecutive periods of severe winter weather, including ice, snow, sleet, freezing rain, as well as subfreezing temperatures; and

**WHEREAS**, the 2014 winter weather has caused, and continues to cause, extreme delays in the transportation of feed and chickens for the poultry industry; and

**WHEREAS**, ensuring an uninterrupted supply of feed and chickens for the poultry industry is of critical importance; and

**WHEREAS**, the provisions of Part 395 of Title 49 of the Code of Federal Regulations limit the hours that operators of commercial vehicles may drive; and

**WHEREAS**, Section 390.23 of Title 49 of the Code of Federal Regulations provides for the temporary suspension of these hours of service limitations when the governor of a state has declared the existence of an emergency; and

**WHEREAS**, the developing disruption in the supply of necessary feed and chickens to the poultry industry has resulted in the determination that a state of emergency currently exists in the State of Tennessee.

**NOW THEREFORE**, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, including but not limited to Tenn. Code Ann. § 58-2-107(b), do hereby declare a state of emergency in Tennessee.

1. This state of emergency is being declared for the limited purpose of, and in accordance with, 49 CFR § 390.23 as adopted by Tenn. Comp. R. & Regs, Chapter 1340-06-01-.08, providing a temporary exemption from the federal rules and regulations in 49 CFR, Part 395, limiting the

hours of service for the operator of a commercial motor vehicle providing feed and chickens to the poultry industry during this state of emergency.

2. Nothing in this Order shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR § 383, the financial requirements in 49 CFR § 387, or applicable federal size and weight limitations.
3. No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that the driver needs immediate rest shall be given at least ten (10) consecutive hours off-duty before the driver is required to return to service.
4. The exemption authorized in paragraph (1) shall remain in effect for thirty (30) days or until the Governor determines that the emergency conditions cease to exist.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 19<sup>th</sup> day of February, 2014.

  
\_\_\_\_\_  
GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE